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SERIES I No. 20

OFFICIAL GOVERNMENT OF GOA GAZETTE



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NOTE

There are three Extraordinary issues to the Official Gazette, Series I No. 19 dated 7-8-2014, as follows:—

(1) Extraordinary dated 8-8-2014 from pages 693 to 694 regarding Market Borrowing Programme of State Government, 2014-15— Not. No. 5-1-2014-Fin (DMU) from Department of Finance (Debt Management Division).

(2) Extraordinary (No. 2) dated 11-8-2014 from pages 695 to 696 regarding amendment to Goa High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 2013 — Not. No. 12/29/2013-LD(Estt.)/1716 from Department of Law & Judiciary (Law Estt. Division).

(3) Extraordinary (No. 3) dated 13-8-2014 from pages 697 to 699 regarding amendment to the Principal Notification of the Goa Excise Duty Act, 1964 — Not. No. 2/5/2014-Fin(R&C)/1312 from Department of Finance (Revenue and Control Division) and Not. No. DMG/MIN/RULES/ADM/02/14-15/1584 regarding the Minor Mineral Concession (Amendment) Rules, 2014. from Department of Mines (Directorate of Mines & Geology).

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GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Higher Education

Notification

9/337/2012/DHE

The “Scheme for Financial Assistance to NGOs and Others for Educational Purposes” has been approved by the Government of Goa and made applicable from the academic year

2013-14, is hereby published for the general information of the public.

Vinayak R. Kurtikar, Under Secretary
(Higher Education).

Porvorim, 5th August, 2014.

Scheme for Financial Assistance to NGOs
and Others for Educational Purposes

Objectives.— (1) Several NGOs, Registered
Educational Societies and Parent Teachers

Associations desire to conduct seminars, conferences and workshops on subject of educational and social importance. However, due to paucity of funds, it is not possible for them to conduct such activities. This scheme is designed to support such organizations in conducting seminars, conferences and workshops.

(2) Students and Teachers, whose papers/ presentations are selected for International/ National Seminars/Conference/Workshops/ Mootcourts etc., in need of financial support for attending such activities shall also be covered under the scheme.

Guidelines relating to Grants-in-Aid to NGOs for conduct of conferences/ workshops/seminars of educational importance

Eligibility.— (1) All Non-Government Organizations (NGOs), voluntary organizations, educational societies, Parent Teachers Associations duly registered with Government of Goa under the Societies Registration Act of 1960 shall be eligible to receive grants.

(2) The organizations having past experience of minimum three years of organizing activities mentioned above shall be eligible for the grant. However in deserving cases Government may relax this clause in advance.

(3) The subject matter of the conference should be of educational importance. All other conditions having met, priority shall be given to the conduct of activities relating to career guidance seminars, career fairs, seminars and workshops on parenting etc.

Procedure relating to grants.— (1) The proposal for the conduct of seminars, workshops etc. shall be submitted to the Directorate of Higher Education at least 2 months before the actual conduct of the event.

(2) The maximum amount of financial support granted to any organization in a year shall be restricted to Rs. 10.00 lakhs. However, in exceptional circumstances the Government may consider a higher level of financial assistance on case-to-case basis, but not

exceeding Rs. 20.00 lakhs to any one organization.

(3) The organization shall compulsorily raise resources on their own. The assistance provided by Government shall be only for financing the deficit and shall be limited to a maximum of 75% of actual expenses in conduct of the activity.

(4) The organization shall submit detailed estimate showing various heads and the amount to be spent under each head including advertisement in the Souvenir or Press. If the institution has received, or applied for, any financial assistance from any other sources belonging to Government or its Corporations or Autonomous bodies, the same must also be indicated. Eligible grant shall be paid by reducing the amount of assistance received from other Government sources including advertisements in Souvenir or Press from Government, and all other Institutions, local bodies etc., that are provided Grant-in-Aid or financial support from Government.

(5) The organization shall give undertaking for proper utilization of funds sanctioned to them and furnish the utilization certificate within 120 days from the date of completion of the event. Non-compliance will debar the organization for 5 years for any benefit. This clause shall not be relaxed under any circumstances.

(6) Every proposal for grant should be supported by an audited statement of accounts of the applicant organization of the year that has ended not less than 9 months prior to the application date. (If application is made in May 2013; A/C of 2011-12 needs to be given). Only one application will be considered during the financial year.

Guidelines relating to Financial Assistance for attending conferences and seminars, workshops, mootcourts at National and International level

Eligibility.— (1) Teachers of degree/diploma level institutions and meritorious students who have consistently obtained 60% and above marks in the qualifying examinations, shall be

eligible to receive grants under the scheme. Government, however for deserving cases, on recommendation from Directorate of Higher Education, may relax the clause.

(2) Only those students whose parental income (Father & Mother clubbed) is upto Rs. 7.5 lakhs per annum shall be eligible to apply. Teachers whose annual income is less than Rs. 15.00 lakhs per annum shall be eligible to apply.

(3) Presentation of posters shall not be considered for availing the grants.

Conditions relating to grants.— (1) The maximum amount of grant admissible under the scheme shall be limited to 75% of the actual cost of attending the seminars/conferences/workshops etc. (including travelling, stay) subject to a maximum of Rs. 3.0 lakh.

(2) The grants shall be released to the concerned student/teacher only through his/her institution.

(3) On completion, the concerned students/teacher shall submit attendance certificate alongwith a brief report of the seminars/conferences/workshops/mootcourts.

(4) Only those applications duly recommended and forwarded through the Head of the Institutions shall be considered.

(5) Since UGC, AICTE and Goa University also support such activities; the Government shall take into consideration the quantum of assistance provided by UGC, AICTE, GU at the time of actual sanction of the grants. The applicant is required to disclose information relating to such grants, if any, received from any other source including Government. The amount, in such case, will be reduced accordingly. (Maximum grant shall not exceed 90% for purpose of this calculation).

(6) The Institution shall give an undertaking for proper utilization of funds so sanctioned to their teachers/students and furnish a utilization certificate within 150 days from the date of completion of the event/sanctioning of the loan, whichever is earlier. Non-compliance would result in recovery from the non-salary grant of Institution.

Procedure for Selection.— (1) The application for grants shall be made at least two months in advance of actual event. Grants will be considered for late applicants, however it may take at least 2 months for disbursement. The assistance in such cases shall be given at a later date as and when the funds are available. In any case, the applications should reach the department at least 15 days in advance of the actual event. Applications received after the above date (15 days in advance) shall not be entertained under any circumstances.

(2) All proposals and applications received under the scheme shall be scrutinized by the Directorate of Higher Education.

(3) The duly scrutinized proposals shall be placed before the Sanctioning Committee which shall be as follows:—

(a) Secretary Higher Education — Chairman

(b) Expert from a relevant field — Member
to be appointed
by Government

(c) Director of Higher Education — Member
Secretary.

(4) The Committee shall meet at least twice in a year in January and in July. The Committee may also meet as and when need arises. The proposals could also be cleared by circulation if required.

(5) Only those proposals recommended by the Sanctioning Committee shall be submitted to the Government for final sanction.

Documents to be submitted alongwith proposals/applications (Grant to NGOs etc.)

(1) An application containing all relevant details of the proposal, duly signed by the Authorised Officer of the organization.

(2) An attested copy of the registration certificate of the society. If applicable. (Not required in case of G.I.A. institutions).

(3) An attested copy of the bye-laws/constitution of the society. If applicable. (Not required for G.I.A. institutions).

(4) A copy of the undertaking signed by the organization to be submitted to the Directorate of Higher Education after sanction.

(5) All documents mentioned under conditions relating to financial grants.

Documents to be submitted alongwith proposals/applications of attending seminars etc.

1. Certified copy of marksheets of Std. XIIth/Graduation/Post-Graduation.

2. Photostat/Email-Prints of invitation to seminars/workshops etc.

3. A copy of presentation to be made.

4. Family income certificate in case of students/Form No. XVI in case of teachers.

5. Letter of recommendation from the Head of the Institution.



Goa Legislature Secretariat

LA/LEGN/2014/1089

The following bill which was introduced in the Legislative Assembly of the State of Goa on 8th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment)

Bill, 2014

(Bill No. 9 of 2014)

A

BILL

further to amend the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969).

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968, in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) to any building belonging to the Government or a State Housing Board, or a local authority, or Industrial Development Corporation, or a Comunidade or Administration Office thereof;

Statement of Objects and Reasons

In terms of section 3 of the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (hereinafter referred to as the “said Act”) the said Act shall not apply to certain categories of the buildings as specified in sub-section (1) of section 3 of the said Act, the Bill seeks to amend clause (a) of sub-section (1) of section 3 of the said Act, so that the provisions of the said Act shall not apply to the buildings belonging to the Comunidade.

This Bill seek to achieve above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa. ALEIXO REGINALDO LOURENCO
9th July, 2014. MLA

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
9th July, 2014. Assembly of Goa.

ANNEXURE

Extracts of section 3[(1)a] of the Goa Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969)

3. *Act not to apply to certain buildings.*— (1) Nothing in this Act shall apply-

(a) to any building belonging to the Government, or a State Housing Board, or a local authority, or Industrial Development Corporation;

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
6th July, 2014. Assembly of Goa.

LA/LEGN/2014/1144

The following bill which was introduced in the Legislative Assembly of the State of Goa on 13th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**THE GOA MEMBERS OF LEGISLATIVE
ASSEMBLY (REMOVAL OF
DISQUALIFICATION) (AMENDMENT)
BILL, 2014**

(Bill No. 13 of 2014)

A

BILL

further to amend the Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Members of Legislative Assembly (Removal of Disqualification) (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of Schedule.*— In the Schedule appended to the Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005),—

(i) against serial number 21, for the expression “The office of the Chairman of the Goa Sewerage Corporation;”, the expression “The office of the Chairman and Vice-Chairman of the Goa Sewerage and Infrastructure Development Corporation;” shall be substituted;

(ii) the existing entry at serial number “32” shall be re-numbered as “47” and in the Explanation thereto, for the figure “32”, the figure “47” shall be substituted;

(iii) after the existing entry at serial number 31, the following entries shall be inserted, namely:—

“32. The office of the Chairman of the Goa State Co-operative Marketing and Supply Federation Limited;

33. The office of the Chairman of the Goa State Agricultural Marketing Board;

34. The office of the Chairman and Vice-Chairman of the Goa Football Council;

35. The office of the Chairman and Vice-Chairman of the Goa Football Development Council;

36. The office of the Chairman of the Goa Education Development Corporation;

37. The office of the Chairman of the Goa Energy Development Agency;

38. The office of the Chairperson of the Goa State Commission for Protection of Child Rights;

39. The office of the Chairman of the Ravindra Bhavan, Margao;

40. The office of the Chairman of the Ravindra Bhavan, Sankhali;

41. The office of the Chairman of the Ravindra Bhavan, Curchorem;

42. The office of the Chairman of the Ravindra Bhavan, Vasco;

43. The office of the President of the Goa Konkani Academy;

44. The office of the President of the Tiatr Academy, Goa;

45. The office of the Chairman of the Institute Menezes Braganza;

46. The office of the President and Vice-President of the Goa Panchayat Mahila Shakti Abhiyan.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to insert certain offices in the Schedule to the Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005) so that the persons holding those offices shall not be disqualified for being chosen as or for being a member of the Legislative Assembly of the State of Goa.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

Porvorim, Goa. (MANOHAR PARRIKAR)
11th August, 2014. Chief Minister/Minister for
Legislative Affairs

Assembly Hall, (N. B. SUBHEDAR)
Porvorim, Goa. Secretary to the Legislative
11th August, 2014. Assembly of Goa.

ANNEXURE

**Schedule appended to the Goa Members of
Legislative Assembly (Removal of Disquali-
fication) Act, 2005 (Goa Act 13 of 2005)**

SCHEDULE

1. The office of a member of a Home Guard constituted under any law for the time being in force in any State;
2. Any office in connection with the affairs of the Goa University or any committee, council or body connected with the Goa University;
3. The office of Chairman, Economic Development Corporation Limited, Goa;
4. The office of Chairman, Kadamba Transport Corporation Limited;
5. The office of Chairman, Goa Housing Board;
6. The office of Chairman, Goa Tourism Development Corporation Limited;
7. The office of Chairman, Goa Handicrafts, Rural and Small Scale Industries Development Corporation Limited;
8. The office of Chairman, Goa Industrial Development Corporation;
9. The office of the Chairman and Vice-Chairman of the Goa State Infrastructure Development Corporation Limited;
10. The office of the Chairman and Vice-Chairman of the Goa State Planning Board;
11. The office of the Chairman of the Goa Khadi and Village Industries Board;
12. The office of the Chairman of the Goa State Scheduled Caste and Other Backward Classes Finance and Development Corporation Limited;
13. The office of the Chairman of the Goa State Horticultural Corporation Limited;

14. The office of the Chairman of the Goa Forest Development Corporation Limited;

15. The office of the Chairman of the Goa State Scheduled Tribes Finance and Development Corporation Limited;

16. The office of a Parliamentary Secretary;

17. The office of the Chairman of Bal Bhavan, Goa;

18. The office of the Chairman of the Goa State Social Welfare Board;

19. The office of the Chairperson of the Goa State Commission for Women;

20. The office of the Chairman of the Goa Meat Complex;

21. The office of the Chairman of the Goa Sewerage Corporation;

22. The office of the Chairman of the Goa State Commission for Backward Classes;

23. The office of the Chairman of the Infotech Corporation of Goa Limited;

24. The office of the Chairman and Vice-Chairman of the Kala Academy, Goa;

25. The office of the Chairman of the Rajiv Kala Mandir, Ponda;

26. The office of the Chairman of the Planning and Development Authorities, Goa;

27. The office of the President and Vice-President of the Sports Authority of Goa;

28. The office of Chairman, Vice-Chairman and members of the Entertainment Society of Goa;

29. The office of Chairman of the State Urban Development Agency;

30. The office of Chairman of the Goa Tillari Irrigation Development Corporation;

31. The office of Chairman and Vice-Chairman of the Goa Rehabilitation Board;

32. The office of Chairman, Director or member of any other Statutory or non-statutory body or committee or corporation constituted by the Government of Goa.

Explanation.—For the purpose of the entry at serial number 32,—

(i) “statutory body” means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(ii) “non-statutory body” means any body of persons other than a statutory body.

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
11th August, 2014. Assembly of Goa.

Department of Labour

Notification

24/6/2013-LAB/457

In exercise of the powers conferred by section 14 of the Unorganised Workers' Social Security Act, 2008 (Central Act No. 33 of 2008), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Unorganised Workers' Social Security Rules, 2014.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Unorganised Workers, Social Security Act, 2008 (Central Act No. 33 of 2008);

(b) "Board" means the Goa State Social Security Board constituted under section 6 of the Act;

(c) "Chairperson" means the Chairperson of the Board;

(d) "Form" means a form appended to these rules;

(e) "Government" means the Government of Goa;

(f) "member" means a member of the Board;

(g) "Official Gazette" means the Official Gazette of the Government of Goa;

(h) "section" means a section of the Act.

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Term of office of members, etc.*— (1) A member, other than an ex-officio member, shall hold office for a period of three years from the date of his nomination, however, when a vacancy is filled in the membership of the Board under rule 6, he shall hold office only for the remainder of the term of office of the member in whose place he is so nominated:

Provided that a member nominated under sub-clause (iii) of clause (c) of sub-section (2) of section 6 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly of Goa:

Provided further that the members nominated under sub-clauses (i), (ii) and (iv) of clause (c) of sub-section (2) of section 6 shall cease to be members of the Board if they cease to represent the category of interest from which they were so nominated.

(2) Out of five persons nominated under sub-clause (iv) of clause (c) of sub-section (2) of section 6, one person each from the Scheduled Castes, the Scheduled Tribes, the minorities and women shall be represented.

(3) A member shall be eligible for re-nomination.

4. *Resignation.*— (1) A member of the Board, not being an ex-officio member, may resign his office by a letter in writing addressed to the Chairperson.

(2) The seat of such a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation by the Chairperson, whichever is earlier.

(3) The power to accept the resignation of a member shall vest in the Chairperson who, on accepting the resignation, shall report to the Board at its next meeting.

5. *Change of Address.*— If a member changes his address, he shall immediately notify his new address to the Member

Secretary of the Board who shall thereupon enter his new address in the official records:

Provided that if a member fails to notify his new address, the address in the official records shall, for all purposes, be deemed to be the member's correct address.

6. *Manner of filling vacancies.*— When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall immediately submit a report to the Government and on receipt of such report, the Government may, by a notification in the Official Gazette, nominate a person to fill the vacancy and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

7. *Allowances of members.*— (1) The travelling allowance of an ex-officio member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) A member of the Board, other than an ex-officio member, shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to a Group 'A' Officer of the Government and daily allowances shall be calculated at the maximum rate admissible to Group 'A' Officers of the Government.

8. *Disposal of business.*— Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, and the matter shall be disposed of in accordance with the decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the Chairperson shall have a second or a casting vote.

Explanation.— The expression "Chairperson" for the purpose of this rule shall

include a member nominated or chosen under sub-rule (2) of rule 9 to preside over a meeting.

9. *Meetings.*— (1) The Board shall meet at such places and at such time as may be decided by the Chairperson and it shall meet at least once in four months.

(2) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence he may nominate a member of the Board to preside over such a meeting in his place and in the absence of such nomination by the Chairperson, or of a nominated member, the members of the Board present in such meeting may choose from amongst themselves a member to preside over the meeting.

10. *Notice of meetings.*— (1) Ordinarily, at least twenty one days notice shall be given to the members of the Board of the proposed meeting, alongwith the copy of the agenda.

(2) No business except which is specified in the agenda of the meeting of the Board shall be considered at a meeting without the permission of the Chairperson.

(3) The Chairperson may, at any time, call a special meeting of the Board in case of urgency, after informing the members in advance about the subject matter of discussion and the reasons of urgency.

11. *Quorum.*— No business shall be transacted at any meeting of the Board unless at least ten members are present in that meeting:

Provided that if at any meeting, less than ten members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members present.

(2) A member, other than ex-officio member, shall cease to be a member of the Board if he remains absent from three consecutive meetings of the Board without the leave of absence from the Chairperson.

12. *Proceedings of the meeting.*— (1) The proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member of the Board, as soon as possible after the meeting, and in any case not less than seven days before the next meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.

13. *Form of application for Registration of unorganised workers.*— The application referred to in sub-section (2) of section 10 of the Act shall be made in Form A, hereto to the Deputy Labour Commissioner of the concerned District.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Labour).

Porvorim, 11th August, 2014.

FORM "A"

(See rule 13)

Name of the unorganised worker:

Father's/husband's name:

Occupation:

Address:

Present:

Permanent:

Dependants:

(a) Father:

(b) Mother:

(c) Dependant children:

(d) Others:

Inspectorate of Factories & Boilers

Notification

CIF/052(PART I)/IFB/2014/1723

In exercise of the powers conferred by sub-section (3) of section 34 of the Boilers Act, 1923 (5 of 1923) (hereinafter referred to as the "said Act"), the Government of Goa, being satisfied that having regard to the material design or construction of boilers and to the need for rapid industrialization of the country, it is necessary so to do, hereby exempts the boilers and its components whose heating surface area is less than 1,000 square metres, which have been installed or which will be installed in future, from the operation of the provisions of clauses (a) and (b) of section 6, sections 7 to 16, sections 19 to 27 and section 30 of the said Act, subject to the following conditions, namely:—

1. Before the use of a boiler, the owner of the boiler shall inform alongwith the following documents to the Chief Inspector and will get a receipt of the same—

(a) as per the provisions of clause (c) of sub-section (1) of section 14 of the said Act, all the necessary documents as provided in regulation 4 of the Indian Boiler Regulations, 1950, alongwith the application for registration of the Boiler;

(b) a certificate from the "Competent Person" in the Proforma annexed hereinbelow with regard to the boiler for a period, not exceeding twelve months and the maximum pressure for which it can be safely used;

(c) a treasury receipt towards the fees as prescribed in sub-rule (1) of rule 36 of the Goa Boiler Rules, 1983;

(2) for the boiler in use, the owner of the boiler shall inform alongwith the following documents to the Chief Inspector and will get a receipt of the same—

(a) a certificate from the "Competent Person" in the Proforma annexed hereinbelow with regard to the boiler for

a further period, not exceeding twelve months and the maximum pressure for which it can be safely used;

(b) a treasury receipt towards the fees as prescribed in sub-rule (2) of rule 36 of the Goa Boiler Rules, 1983;

For the purpose of granting a certificate, a "Competent Person" means a person—

(i) who has a Degree in Mechanical or Production or Power Plant or Metallurgical Engineering from a recognized university and having an experience of atleast five years in maintenance/operation of Boilers;
OR

(ii) Inspector of Boilers;

(3) A fresh certificate from the Competent Person shall be submitted to the Chief Inspector for the remaining period if during the period for which the certificate issued by the Competent Person as required under clause (1) or (2) above, any structural alteration, addition or renewal is made to the Boiler or its components.

(4) If and when the documents as mentioned in clause (1), which are desired by the Chief Inspector or the District Magistrate, under whose jurisdiction the boiler is installed, the owner of the boiler shall produce such documents.

(5) It will be the responsibility of the owner of the boiler to run and maintain it as per provisions of the said Act and rules framed thereunder. He will also be responsible for any violation of the provisions or accident.

(6) If the owner of the boiler violates any provision of the said Act or the rules framed thereunder, a penalty of Rs. 50,000/- can be imposed on him. If he continues to violate the provision, a penalty of Rs. 1,000/- per day can be imposed and/or restriction can be imposed on the use of boiler. The Chief Inspector will be competent to impose the penalty or stop the use of boiler. The owner can file an appeal with the Appellate Authority within 30 days of the order passed by the Chief Inspector, whose order shall be final.

PROFORMA

Certificate for use of a Boiler

Registry Number of Boiler	Type of Boiler
Boiler Rating	Place and year of manufacture
Maximum continuous evaporation	
Name of Owner	
Situation of Boiler	
Repairs	
Remarks	
Hydraulically tested on	to lbs. per sq. inch

I hereby certify that I have personally inspected the above described boiler and its components on in accordance with the procedure for the inspection of boilers prescribed in Chapter IX of the Indian Boiler Regulations, 1950 and Chapter V of The Goa Boiler Rules, 1983 and that the said Boiler is fit for use/further use (strike out whichever is not applicable) at a maximum pressure of lbs. per sq. inch, for a period from to

The loading of the safety valve is not to exceed

Signature of the Competent Person

Signature of Boiler Owner

Dated:-

Name of the Competent Person (in block letters)

Qualification (Certificates to be enclosed in case other than Inspector of Boilers)

Full Address

Tel. No./Mobile No.

If employed by a company or association, name and address of the company or association

By order and in the name of the Governor of Goa.

S. M. Paranjape, Chief Inspector & ex officio Joint Secretary (Factories & Boilers).

Panaji, 14th August, 2014.



Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2013-LA/105

The Prevention of Money-Laundering (Amendment) Act, 2012 (Central Act No. 2 of 2013), which has been passed by Parliament and assented to by the President on 3-1-2013 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 4-1-2013, is hereby published for the general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 23rd April, 2014.

THE PREVENTION OF MONEY-
LAUNDERING (AMENDMENT)
ACT, 2012

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ACT

further to amend the Prevention of Money-laundering Act, 2002.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Prevention of Money-laundering Act, 2002 ^{15 of 2003.} (hereinafter referred to as the principal Act), in sub-section (1),—

(i) after clause (f), the following clause shall be inserted, namely:—

‘(fa) “beneficial owner” means an individual who ultimately owns or controls a client of a reporting entity or the person on whose behalf a transaction is being conducted and includes a person who exercises ultimate effective control over a juridical person;’

(ii) after clause (h), the following clause shall be inserted, namely:—

‘(ha) “client” means a person who is engaged in a financial transaction or activity with a reporting entity and includes a person on whose behalf the person who engaged in the transaction or activity, is acting;’

(iii) after clause (1), the following clauses shall be inserted, namely:—

‘(ia) “corresponding law” means any law of any foreign country corresponding to any of the provisions of this Act or dealing with offences in that country corresponding to any of the scheduled offences;

(ib) “dealer” has the same meaning as assigned to it in clause (b) of section 2 of the Central Sales Tax Act, 1956;’ ^{74 of 1956.}

(iv) clause (ja) shall be omitted;

(v) for clause (l), the following clause shall be substituted, namely:—

‘(l) “financial institution” means a financial institution as defined in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 and includes a ^{2 of 1934.} chit fund company, a housing finance institution, an authorised person, a payment system operator, a non-banking financial company and the Department of Posts in the Government of India;’

(vi) for clause (n), the following clause shall be substituted, namely:—

‘(n) “intermediary” means,—

(i) a stock-broker, sub-broker, share transfer agent, banker to an issue, trustee to a trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, investment adviser or any other intermediary associated with securities market and registered under section 12 of the Securities and Exchange Board of India Act, 1992; or ^{15 of 1992.}

(ii) an association recognised or registered under the Forward Contracts (Regulation) Act, 1952 or any ^{74 of 1952.} member of such association; or

(iii) intermediary registered by the Pension Fund Regulatory and Development Authority; or

(iv) a recognised stock exchange referred to in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956; 42 of 1956.

(vii) in clause (q), the words “and includes a person carrying on designated business or profession” shall be omitted;

(viii) in clause (ra), in sub-clause (i), for the word “remits”, the words transfers in any manner” shall be substituted;

(ix) after clause (s), the following clauses shall be inserted, namely:—

‘(sa) “person carrying on designated business or profession” means,—

(i) a person carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino;

(ii) a Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908, as may be notified by the Central Government; 16 of 1908.

(iii) real estate agent, as may be notified by the Central Government;

(iv) dealer in precious metals, precious stones and other high value goods, as may be notified by the Central Government;

(v) person engaged in safekeeping and administration of cash and liquid securities on behalf of other persons, as may be notified by the Central Government; or

(vi) person carrying on such other activities as the Central Government may, by notification, so designate, from time to time;

(sb) “precious metal” means gold, silver, platinum, palladium or rhodium or such other metal as may be notified by the Central Government;

(sc) “precious stone” means diamond, emerald, ruby, sapphire or any such other stone as may be notified by the Central Government;’;

(x) after clause (v), the following shall be inserted, namely:—

‘*Explanation.*— For the removal of doubts, it is hereby clarified that the term “property” includes property of any kind used in the commission of an offence under this Act or any of the scheduled offences;

(va) “real estate agent” means a real estate agent as defined in clause (88) of section 65 of the Finance Act, 1994; 32 of 1994.

(xi) after clause (w) the following clause shall be inserted, namely:—

‘(wa) “reporting entity” means a banking company, financial institution, intermediary or a person carrying on a designated business or profession;’.

3. *Amendment of section 3.*— In section 3 of the principal Act for the words “proceeds of crime and projecting”, the words “proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming” shall be substituted.

4. *Amendment of section 4.*— In section 4 of the principal Act, the words “which may extend to five lakh rupees” shall be omitted.

5. *Amendment of section 5.*— In section 5 of the principal Act, for sub-section (1), the

following sub-section shall be substituted namely:—

“(1) Where the Director or any other officer not below the rank of Deputy Director authorised by the Director for the purposes of this section, has reason to believe (the reason for such belief to be recorded in writing), on the basis of material in his possession, that—

(a) any person is in possession of any proceeds of crime; and

(b) such proceeds of crime are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of crime under this Chapter,

he may, by order in writing, provisionally attach such property for a period not exceeding one hundred and eighty days from the date of the order, in such manner as may be prescribed:

Provided that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person authorised to investigate the offence mentioned in that Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or a similar report or complaint has been made or filed under the corresponding law of any other country: 2 of 1974.

Provided further that, notwithstanding anything contained in clause (b), any property of any person may be attached under this section if the Director or any other officer not below the rank of Deputy

Director authorised by him for the purposes of this section has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that if such property involved in money-laundering is not attached immediately under this Chapter, the non-attachment of the property is likely to frustrate any proceeding under this Act.”.

6. *Amendment of section 8.*— In section 8 of the principal Act,—

(i) in sub-section (1), after the words and figure “section 5, or, seized”, the words “or frozen” shall be inserted;

(ii) in sub-section (3), —

(a) in the opening portion, for the words and figure, “record seized under section 17 or section 18 and record a finding to that effect, such attachment or retention of the seized property”, the word and figure “record seized or frozen under section 17 or section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property” shall be submitted;

(b) in clause (a), for the words “scheduled offence before a court; and ”, the words “offence under this Act before a court or under the corresponding law of any other country, before the competent court of criminal jurisdiction outside India, as the case may be, and” shall be substituted;

(c) for clause (b), the following clause shall be substituted, namely:—

“(b) become final after an order of confiscation is passed under sub-section (5) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60 by the Adjudicating Authority”;

(iii) in sub-section (4), for the words “possession of the attached property”, the following shall be substituted, namely:—

“possession of the property attached under section 5 or frozen under sub-section (1A) of section 17, in such manner as may be prescribed:

Provided that if it is not practicable to take possession of a property frozen under sub-section (1A) of section 17, the order of confiscation shall have the same effect as if the property had been taken possession of;”.

(iv) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

“(5) Where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.

(6) Where on conclusion of a trial under this Act, the Special Court finds that the offence of money-laundering has not taken place or the property is not involved in money-laundering, it shall order release of such property to the person entitled to receive it.

(7) Where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of the

property, as the case may be, involved in the offence of money-laundering after having regard to the material before it.”.

7. *Amendment of section 9.*— In section 9 of the principal Act,—

(i) in the opening portion, for the words, brackets and figures “sub-section (6) of section 8”, the words, brackets, figures and letter “sub-section (5) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60” shall be substituted:

(ii) in the first proviso.—

(a) for the words “Adjudicating Authority”, the words “Special Court or the Adjudicating Authority, as the case may be” shall be substituted;

(b) after the words “or seized”, the words “or frozen” shall be inserted.

8. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (2), for the words, brackets and figures “sub-section (6) of section 8”, the words, brackets, figures and letters “sub-section (5) or sub-section (6) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60” shall be substituted.

9. *Substitution of new section for section 12.*— For section 12 of the Principle Act, the following section shall be substituted, namely:—

“12. *Reporting entity to maintain record.*— (1) Every reporting entity shall—

(a) maintain a record of all transactions, including information relating to transactions covered under clause (b), in such manner as to enable it to reconstruct individual transactions;

(b) furnish to the Director within such time as may be prescribed, information relating to such transactions, whether attempted or executed, the nature and value of which may be prescribed;

(c) verify the identity of its clients in such manner and subject to such conditions, as may be prescribed;

(d) identify the beneficial owner, if any, of such of its clients, as may be prescribed;

(e) maintain record of documents evidencing identity of its clients and beneficial owners as well as account files and business correspondence relating to its clients.

(2) Every information maintained, furnished or verified, save as otherwise provided under any law for the time being in force, shall be kept confidential.

(3) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of five years from the date of transaction between a client and the reporting entity.

(4) The records referred to in clause (e) of sub-section (1) shall be maintained for a period of five years after the business relationship between a client and the reporting entity has ended or the account has been closed, whichever is later.

(5) The Central Government may, by notification, exempt any reporting entity or class of reporting entities from any obligation under this Chapter."

10. *Insertion of new section 12A.*— After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. *Access to information.*— (1) The Director may call for from any reporting entity any of the records referred to in sub-section (1) of section 12 and any additional information as he considers necessary for the purposes of this Act.

(2) Every reporting entity shall furnish to the Director such information as may be required by him under sub-section (1)

within such time and in such manner as he may specify.

(3) Save as otherwise provided under any law for the time being in force, every information sought by the Director under sub-section (1), shall be kept confidential."

11. *Amendment of section 13.*— In section 13 of the principal Act,—

(i) in sub-section (1), for the words, brackets and figures "call for records referred to in sub-section (1) of section 12 and may make such inquiry or cause such inquiry to be made, as he thinks fit", the words "make such inquiry or cause such inquiry to be made, as he thinks fit to be necessary, with regard to the obligations of the reporting entity, under this Chapter" shall be substituted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) If at any stage of inquiry or any other proceedings before him, the Director having regard to the nature and complexity of the case, is of the opinion that it is necessary to do so, he may direct the concerned reporting entity to get its records, as may be specified, audited by an accountant from amongst a panel of accountants, maintained by the Central Government for this purpose.

(1B) The expenses of, and incidental to, any audit under sub-section (1A) shall be borne by the Central Government.";

(iii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If the Director, in the course of any inquiry, finds that a reporting entity or its designated director on the Board or any of its employees has failed to comply with the obligations under this Chapter, then, without prejudice to any other action that may be taken under any other provisions of this Act, he may—

(a) issue a warning in writing; or

(b) direct such reporting entity or its designated director on the Board or any of its employees, to comply with specific instructions; or

(c) direct such reporting entity or its designated director on the Board or any of its employees, to send reports at such interval as may be prescribed on the measures it is taking; or

(d) by an order, impose a monetary penalty on such reporting entity or its designated director on the Board or any of its employees, which shall not be less than ten thousand rupees but may extend to one lakh rupees for each failure,";

(iv) after sub-section (3), the following *Explanation* shall be inserted, namely:—

"Explanation.— For the purpose of this section, "accountant" shall mean a chartered accountant within the meaning of the Chartered Accountants Act, 1949."

38 of 1949.

12. *Substitution of new section for section 14.*— For section 14 of the principal Act, the following section shall be substituted, namely:—

"14. No civil or criminal proceedings against reporting entity, its directors and employees in certain cases.— Save as otherwise provided in section 13, the reporting entity, its directors and employees shall not be liable to any civil or criminal proceedings against them for furnishing information under clause (b) of sub-section (1) of section 12."

13. *Substitution of new section for section 15.*— For section 15 of the principal Act, the following section shall be substituted, namely:—

"15. Procedure and manner of furnishing information by reporting entities.— The Central Government may, in consultation with the Reserve Bank of India, prescribe the procedure and the manner of maintaining and furnishing information by a reporting entity under sub-section (1) of section 12 for the purpose of implementing the provisions of this Act."

14. *Amendment of section 17.*— In section 17 of the principal Act,—

(i) In sub-section (1),—

(a) in clause (iii), after the word "money-laundering," the word "or" shall be inserted;

(b) after clause (iii), the following clause shall be inserted, namely:—

"(iv) is in possession of any property related to crime,";

(c) in clause (d), after the words "such record or", the words "property, if required or" shall be inserted;

(d) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no search shall be conducted unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise has been

2 of 1974.

submitted by an officer authorised to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India or equivalent being head of the office or Ministry or Department or Unit, as the case may be, or any other officer who may be authorised by the Central Government, by notification, for this purpose.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where it is not practicable to seize such record or property, the officer authorised under sub-section (1), may make an order to freeze such property whereupon the property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, and a copy of such order shall be served on the person concerned:

Provided that if, at any time before its confiscation under sub-section (5) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60, it becomes practical to seize a frozen property, the officer authorised under sub-section (1) may seize such property.”;

(iii) in sub-section (2), after the words, “immediately after search and seizure” the words “or upon issuance of a freezing order” shall be inserted;

(iv) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The authority seizing any record or property under sub-section (1) or freezing any record or property under sub-section (1A) shall, within a period of thirty days from such seizure or freezing, as the case may be, file an application,

requesting for retention of such record or property seized under sub-section (1) or for continuation of the order of freezing served under sub-section (1A), before the Adjudicating Authority.”.

15. *Amendment of section 18.*— In section 18 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

“Provided that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed 2 of 1974. by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise has been submitted by an officer authorised to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India or equivalent being head of the office or Ministry or Department or Unit, as the case may be, or any other officer who may be authorised by the Central Government, by notification, for this purpose.”;

16. *Substitution of new sections for section 20 and section 21.*— For sections 20 and 21 of the principal Act, the following sections shall be substituted, namely:—

“20. *Retention of property.*— (1) Where any property has been seized under section 17 or section 18 or frozen under sub-section (1A) of section 17 and the officer authorised by the Director in this behalf has, on the basis of material in his possession, reason

to believe (the reason or such belief to be recorded by him in writing) that such property is required to be retained for the purposes of adjudication under section 8, such property may, if seized, be retained or if frozen, may continue to remain frozen, for a period not exceeding one hundred and eighty days from the day on which such property was seized or frozen, as the case may be.

(2) The officer authorised by the Director shall, immediately after he has passed an order for retention or continuation of freezing of the property for purposes of adjudication under section 8, forward a copy of the order along with the material in his possession, referred to in sub-section (1), to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such Adjudicating Authority shall keep such order and material for such period as may be prescribed.

(3) On the expiry of the period specified in sub-section (1), the property shall be returned to the person from whom such property was seized or whose property was ordered to be frozen unless the Adjudicating Authority permits retention or continuation of freezing of such property beyond the said period.

(4) The Adjudicating Authority, before authorising the retention or continuation of freezing of such property beyond the period specified in sub-section (1), shall satisfy himself that the property is *prima facie* involved in money-laundering and the property is required for the purposes of adjudication under section 8.

(5) After passing the order of confiscation under sub-section (5) or sub-section (7) of section 8, the Court or the Adjudicating Authority, as the case may be, shall direct the release of all property other than the property involved in money-laundering to the person from whom such property was seized or the persons entitled to receive it.

(6) Where an order releasing the property has been made by the Court under sub-section (6) of section 8 or by the Adjudicating Authority under section 58B or sub-section (2A) of section 60, the Director or any officer authorised by him in this behalf may withhold the release of any such property for a period of ninety days from the date of such order, if he is of the opinion that such property is relevant for the appeal proceedings under this Act.

21. Retention of records.— (1) Where any records have been seized, under section 17 or section 18 or frozen under sub-section (1A) of section 17 and the Investigating Officer or any other officer authorised by the Director in this behalf has reason to believe that any of such records are required to be retained for any inquiry under this Act, such records may if seized, be retained or if frozen, may continue to remain frozen, for a period not exceeding one hundred and eighty days from the day on which such records were seized or frozen, as the case may be.

(2) The person, from whom records seized or frozen, shall be entitled to obtain copies of records.

(3) On the expiry of the period specified under sub-section (1), the records shall be returned to the person from whom such records were seized or whose records were ordered to be frozen unless the Adjudicating Authority permits retention or continuation of freezing of such records beyond the said period.

(4) The Adjudicating Authority, before authorising the retention or continuation of freezing of such records beyond the period specified in sub-section (1), shall satisfy himself that the records are required for the purposes of adjudication under section 8.

(5) After passing of an order of confiscation under sub-section (5) or sub-section (7) of section 8, the

Adjudicating Authority shall direct the release of the records to the person from whom such records were seized.

(6) Where an order releasing the records has been made by the Court under sub-section (6) of section 8 or by the Adjudicating Authority under section 58B or sub-section (2A) of section 60, the Director or any other officer authorised by him in this behalf may withhold the release of any such record for a period of ninety days from the date of such order, if he is of the opinion that such record is relevant for the appeal proceedings under this Act.”.

17. *Amendment of section 22.*— In section 22 of the principal Act, in sub-section (1), after the words “a survey or a search,”, the words “or where any record or property is produced by any person or has been resumed or seized from the custody or control of any person or has been frozen under this Act or under any other law for the time being in force,” shall be inserted.

18. *Amendment of section 23.*— In section 23 of the principal Act, for the words and figure “under section 8, it shall, unless otherwise proved to the satisfaction of the Adjudicating Authority”, the words and figure “under section 8 or for the trial of the money-laundering offence, it shall unless otherwise proved to the satisfaction of the Adjudicating Authority or the Special Court” shall be substituted.

19. *Amendment of section 24.*— For section 24 of the principal Act, the following section shall be substituted, namely:—

“24. *Burden of Proof.*— In any proceeding relating to proceeds of crime under this Act,—

(a) in the case of a person charged with the offence of money-laundering under section 3, the Authority or Court shall, unless the contrary is proved, presume that such proceeds of crime are involved in money-laundering; and

(b) in the case of any other person the Authority or Court, may presume that such proceeds of crime are involved in money-laundering.”.

20. *Amendment of section 26.*— In section 26 of the principal Act, in sub-section (2), for the words “banking company, financial institution or intermediary”, the words “reporting entity” shall be substituted.

21. *Amendment of section 44.*— In section 44 of the principal Act, in sub-section (1),—

(i) for clause (a) the following clause shall be substituted, namely:—

“(a) an offence punishable under section 4 and any scheduled offence connected to the offence under that section shall be triable by the Special Court constituted for the area in which the offence has been committed:

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or”;

(ii) in clause (b), for the words “cognizance of the offence for which the accused is committed to it for trial”, the words and figure “cognizance of offence under section 3, without the accused being committed to it for trial” shall be substituted;

(iii) after clause (b), the following clauses shall be inserted, namely:—

“(c) if the Court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorised to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court

shall, on receipt of such case proceed to deal with it from the stage at which it is committed.

(d) a Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in accordance with the provisions of the Code of Criminal Procedure, 1973, as it applies 2 of 1974. to a trial before a Court of Session.”.

22. *Amendment of section 50.*— In section 50 of the principal Act, in sub-section (1), in clause (b), for the words “banking company or a financial institution or a company,”, the words “reporting entity” shall be substituted.

23. *Amendment of section 54.*— In section 54 of the principal Act,—

(i) in the opening portion, for the word “officers”, the words “officers and others” shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) members of the recognised stock exchange referred to in clause (f) of section 2 and the officers of the stock exchanges recognised under section 4 of the Securities Contracts (Regulation) Act, 1956; 42 of 1956.

(iii) after clause (h), the following clauses shall be inserted, namely:—

“(ha) officers of the Insurance Regulatory and Development Authority established under section 3 of the Insurance Regulatory and Development Authority Act, 1999; 41 of 1999.

(hb) officers of the Forward Markets Commission established under section 3 of the Forward Contracts (Regulation) Act, 1952; 74 of 1952.

(hc) officers and members of the recognised association recognised under section 6 of the Forward Contracts (Regulation) Act, 1952; 74 of 1952.

(hd) officers of the Pension Fund Regulatory and Development Authority;

(he) officers of the Department of Posts in the Government of India;

(hf) Registrars or Sub-Registrars appointed by the State Governments under section 6 of the Registration Act, 1908; 16 of 1908.

(hg) registering authority empowered to register motor vehicles under Chapter IV of the Motor Vehicles Act, 1988; 59 of 1988.

(hh) officers and members of the Institute of Chartered Accountants of India constituted under section 3 of the Chartered Accountants Act, 1949; 38 of 1949.

(hi) officers and members of the Institute of Cost and Works Accountants of India constituted under section 3 of the Cost and Works Accountants Act, 1959; 23 of 1959.

(hj) officers and members of the Institute of Company Secretaries of India constituted under section 3 of the Company Secretaries Act, 1980; 56 of 1980.

(iv) in clause (j), for the words “banking companies”, the words “reporting entities” shall be substituted.

24. *Insertion of new sections 58A and 58B.*— After section 58, the following sections shall be inserted, namely:—

“58A. Special Court to release the property.— Where on closure of the criminal case or conclusion of a trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering has not taken place or the property in India is not involved in money-laundering, the Special Court may, on an application moved by the concerned person or the Director, after notice to the other party, order release of such property to the person entitled to receive it.

58B. Letter of request of a contracting State or authority for confiscation or release the property.— Where the trial under the corresponding law of any other country cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Central Government shall, on receipt of a letter of request from a court or authority in a contracting State requesting for confiscation or release of property, as the case may be, forward the same to the Director to move an application before the Special Court and upon such application the Special Court shall pass appropriate orders regarding confiscation or release of such property involved in the offence of money-laundering.”.

25. *Amendment of section 60.*— In section 60 of the principal Act,—

(i) in sub-section (1), for the words and figures “property under section 5 or where an Adjudicating Authority has made an order confirming such attachment or confiscation of any property under section 8”, the words, figures, brackets and letter “property under section 5 or for freezing under sub-section (1A) of section 17 or

where an Adjudicating Authority has made an order relating to a property under section 8 or where a Special Court has made an order of confiscation relating to a property under sub-section (5) or sub-section (6) of section 8” shall be substituted;

(ii) in sub-section (2),—

(a) for the words “attachment or confiscation”, the words “attachment, seizure, freezing or confiscation” shall be substituted;

(b) for the word and figure “section 3”, the words “a corresponding law” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Where on closure of the criminal case or conclusion of trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering under the corresponding law of that country has been committed, the Adjudicating Authority shall, on receipt of an application from the Director for execution of confiscation under sub-section (2), order, after giving notice to the affected persons, that such property involved in money-laundering or which has been used for commission of the offence of money-laundering stand confiscated to the Central Government.”.

26. *Amendment of section 63.*— In section 63 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in clause (c) of sub-section (2), a person who intentionally disobeys any direction issued under section 50 shall also be liable to be proceeded against under section 174 of the Indian Penal Code.”. 45 of 1860.

27. *Substitution of new section for section 69.*— For section 69 of the principal Act, the following section shall be substituted, namely:—

“69. *Recovery of fine or penalty.*— Where any fine or penalty imposed on any person under section 13 or section 63 is not paid within six months from the day of imposition of fine or penalty, the Director or any other officer authorised by him in this behalf may proceed to recover the amount from the said person in the same manner as prescribed in Schedule II of the Income-tax Act, 1961 for the recovery of arrears and he or any officer authorised by him in this behalf shall have all the powers of the Tax Recovery Officer mentioned in the said Schedule for the said purpose.”.

28. *Amendment of section 70.*— In section 70 of the principal Act, the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2.*—For the removal of doubts, it is hereby clarified that a company may be prosecuted, notwithstanding whether the prosecution or conviction of any legal juridical person shall be contingent on the prosecution or conviction of any individual.”.

29. *Amendment of section 73.*— In section 73 of the principal Act, in sub-section (2),—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the manner of provisional attachment of property under sub-section (1) of section 5;”;

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ee) the manner of seizing or taking possession of property attached under section 5 or frozen under sub-section (1A) of section 17 or under sub-section (4) of section 8;”;

(iii) clause (h) shall be omitted;

(iv) in clause (i), for the words “the time within which”, the words “the nature and value of transactions and the time within which” shall be substituted;

(v) for clause (j), the following clauses shall be substituted, namely:—

“(j) the manner and the conditions in which identity of clients shall be verified by the reporting entities under clause (c) of sub-section (1) of section 12;

(jj) the manner of identifying beneficial owner, if any, from the clients by the reporting entities under clause (d) of sub-section (1) of section 12;

(jjj) the period of interval in which the reports are sent by the reporting entities or any of its employees under clause (c) of sub-section (2) of section 13;”;

(vi) after clause (p), the following clause shall be inserted, namely:—

“(pp) the manner in which the forwarding of the order for retention or continuation of freezing of the property and the period of keeping such order and material under sub-section (2) of section 20;”.

30. *Amendment of the Schedule.*— In the schedule to the principal Act,—

(i) for Part A, the following Part shall be substituted, namely:—

"PART A

PARAGRAPH 1

Offences under the Indian Penal Code

(45 of 1860)

Section	Description of offence
120B	Criminal conspiracy.
121	Waging or attempting to wage war or abetting waging of war, against the Government of India.
121A	Conspiracy to commit offences punishable by section 121 against the State.
255	Counterfeiting Government stamp.
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp.
259	Having possession of counterfeit Government stamp.
260	Using as genuine a Government stamp known to be counterfeit.
302	Murder.
304	Punishment for culpable homicide not amounting to murder.
307	Attempt to murder.
308	Attempt to commit culpable homicide.
327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.
329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
364A	Kidnapping for ransom, etc.
384 to 389	Offences relating to extortion.
392 to 402	Offences relating to robbery and dacoity.
411	Dishonestly receiving stolen property.
412	Dishonestly receiving property stolen in the commission of a dacoity.
413	Habitually dealing in stolen property.
414	Assisting in concealment of stolen property.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
419	Punishment for cheating by personation.
420	Cheating and dishonestly inducing delivery of property.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.
471	Using as genuine a forged document or electronic record.
472 and 473	Making or possessing counterfeit seal, etc., with intent to commit forgery.
475 and 476	Counterfeiting device or mark.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark.
489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes.

PARAGRAPH 2

Offences under the Narcotic Drugs and Psychotropic Substances Act, 1985

(61 of 1985)

Section	Description of offence
15	Contravention in relation to poppy straw.
16	Contravention in relation to coca plant and coca leaves.
17	Contravention in relation to prepared opium.
18	Contravention in relation to opium poppy and opium.
19	Embezzlement of opium by cultivator.
20	Contravention in relation to cannabis plant and cannabis.
21	Contravention in relation to manufactured drugs and preparations.
22	Contravention in relation to psychotropic substances.
23	Illegal import into India, export from India to transshipment of narcotic drugs and psychotropic substances.
24	External dealings in narcotic drugs and psychotropic substances in contravention of section 12 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
25A	Contravention of orders made under section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
27A	Financing illicit traffic and harbouring offenders.
29	Abetment and criminal conspiracy.

PARAGRAPH 3

Offences under the Explosive Substances Act, 1908

(6 of 1908)

Section	Description of offence
3	Causing explosion likely to endanger life or property.
4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property.
5	Making or possessing explosives under suspicious circumstances.

PARAGRAPH 4

Offences under the Unlawful Activities (Prevention) Act, 1967

(37 of 1967)

Section	Description of offence
10 read with section 3	Penalty for being member of an unlawful association, etc.
11 read with section 3	Penalty for dealing with funds of an unlawful association.
13 read with section 3	Punishment for unlawful activities.
16 read with section 15	Punishment for terrorist act.

Section	Description of offence
I6A	Punishment for making demands of radioactive substances, nuclear devices, etc.
17	Punishment for raising fund for terrorist act.
18	Punishment for conspiracy, etc.
18A	Punishment for organising of terrorist camps.
18B	Punishment for recruiting of any person or persons for terrorist act.
19	Punishment for harbouring, etc.
20	Punishment for being member of terrorist gang or organisation.
21	Punishment for holding proceeds of terrorism.
38	Offence relating to membership of a terrorist organisation.
39	Offence relating to support given to a terrorist organisation.
40	Offence of raising fund for a terrorist organisation.

PARAGRAPH 5

Offences under the Arms Act, 1959

(54 of 1959)

Section	Description of Offence
25	<p>To manufacture, sell, transfer, convert, repair or test or prove or expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition to contravention of section 5 of the Arms Act, 1959.</p> <p>To acquire, have in possession or carry any prohibited arms or prohibited ammunition in contravention of section 7 of the Arms Act, 1959.</p> <p>Contravention of section 24A of the Arms Act, 1959 relating to prohibition as to possession of notified arms in disturbed areas, etc.</p> <p>Contravention of section 24B of the Arms Act, 1959 relating to prohibition as to carrying of notified arms in or through public places in disturbed areas.</p> <p>Other offences specified in section 25.</p>
26	<p>To do any act in contravention of any provisions of section 3, 4, 10 or section 12 of the Arms Act, 1959 in such manner as specified in sub-section (1) of section 26 of the said Act.</p> <p>To do any act in contravention of any provisions of section 5, 6, 7 or section 11 of the Arms Act, 1959 in such manner as specified in sub-section (2) of section 26 of the said Act.</p> <p>Other offences specified in section 26.</p>
27	Use of arms or ammunition in contravention of section 5 or use of any arms or ammunition in contravention of section 7 of the Arms Act, 1959.
28	Use and possession of fire arms or imitation fire arms in certain cases.
29	Knowingly purchasing arms from unlicensed person or for delivering arms, etc., to person not entitled to possess the same.
30	Contravention of any condition of a licence or any provisions of the Arms Act, 1959 or any rule made thereunder.

PARAGRAPH 6

Offences under the Wild Life (Protection) Act, 1972

(53 of 1972)

Section	Description of offence
51 read with section 9	Hunting of wild animals.
51 read with section 17A	Contravention of provisions of section 17A relating to prohibition of picking, uprooting, etc., of specified plants.
51 read with section 39	Contravention of provisions of section 39 relating to wild animals, etc., to be Government property.
51 read with section 44	Contravention of provisions of section 44 relating to dealing in trophy and animal article without licence prohibited.
51 read with section 48	Contravention of provisions of section 48 relating to purchase of animal, etc., by licensee.
51 read with section 49B	Contravention of provisions of section 49B relating to prohibition of dealings in trophies, animals articles, etc., derived from scheduled animals.

PARAGRAPH 7

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

(104 OF 1956)

Section	Description of offence
5	Procuring, inducing or taking person for the sake of prostitution.
6	Detaining a person in premises where prostitution is carried on.
8	Seducing or soliciting for purpose of prostitution.
9	Seduction of a person in custody.

PARAGRAPH 8

Offences under the Prevention of Corruption Act, 1988

(49 of 1988)

Section	Description of offence
7	Public servant taking gratification other than legal remuneration in respect of an official act.
8	Taking gratification in order, by corrupt or illegal means, to influence public servant.
9	Taking gratification for exercise of personal influence with public servant.
10	Abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988.
13	Criminal misconduct by a public servant.

PARAGRAPH 9

Offences under the Explosives Act, 1884

(4 of 1884)

Section	Description of offence
9B	Punishment for certain offences.
9C	Offences by companies.

PARAGRAPH 10

Offences under the Antiquities and Arts Treasures Act, 1972

(52 of 1972)

Section	Description of offence
25 read with section 3	Contravention of export trade in antiquities and art treasures.
28	Offences by companies.

PARAGRAPH 11

Offences under the Securities and Exchange Board of India Act, 1992

(15 of 1992)

Section	Description of offence
12A read with section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial.
24	Acquisition of securities or control.

PARAGRAPH 12

Offences under the Customs Act, 1962

(52 of 1962)

Section	Description of offence
135	Evasion of duty or prohibitions.

PARAGRAPH 13

Offences under the Bonded Labour System (Abolition) Act, 1976

(19 of 1976)

Section	Description of offence
16	Punishment for enforcement of bonded labour.
18	Punishment for extracting bonded labour under the bonded labour system.
20	Abetment to be an offence.

PARAGRAPH 14

Offences under the Child Labour (Prohibition and Regulation) Act, 1986

(61 of 1986)

Section	Description of offence
14	Punishment for employment of any child to work in contravention of the provisions of section 3.

PARAGRAPH 15

Offences under the Translation of Human Organs Act, 1994

(42 of 1994)

Section	Description of offence
18	Punishment for removal of human organ without authority.
19	Punishment for commercial dealings in human organs.
20	Punishment for contravention of any other provisions of this Act.

PARAGRAPH 16

Offences under the Juvenile Justice (Care and Protection of Children) Act, 2000

(56 of 2000)

Section	Description of offence
23	Punishment for cruelty to juvenile or child.
24	Employment of juvenile or child for begging.
25	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.
26	Exploitation of juvenile or child employee.

PARAGRAPH 17

Offences under the Emigration Act, 1983

(31 of 1983)

Section	Description of offence
24	Offences and penalties.

PARAGRAPH 18

Offences under the Passports Act, 1967

(15 of 1967)

Section	Description of offence
12	Offences and penalties.

PARAGRAPH 19

Offences under the Foreigners Act, 1946

(31 of 1946)

Section	Description of offence
14	Penalty for contravention of provisions of the Act, etc.
14B	Penalty for using forged passport.
14C	Penalty for abetment.

PARAGRAPH 20

Offences under the Copyright Act, 1957

(14 of 1957)

Section	Description of offence
63	Offence of infringement of copyright or other rights conferred by this Act.
63A	Enhanced penalty on second and subsequent convictions.
63B	Knowing use of infringing copy of computer programme.
68A	Penalty for contravention of section 52A.

PARAGRAPH 21

Offences under the Trade Marks Act, 1999

(47 of 1999)

Section	Description of offence
103	Penalty for applying false trade marks, trade descriptions, etc.
104	Penalty for selling goods or providing services to which false trade mark or false trade description is applied.
105	Enhanced penalty on second or subsequent conviction.
107	Penalty for falsely representing a trade mark as registered.
120	Punishment of abetment in India of acts done out of India.

PARAGRAPH 22

Offences under the Information Technology Act, 2000

(21 of 2000)

Section	Description of offence
72	Penalty for breach of confidentiality and privacy.
75	Act to apply for offence or contravention committed outside India.

PARAGRAPH 23

Offences under the Biological Diversity Act, 2002

(18 of 2003)

Section	Description of offence
55 read with section 6	Penalties for contravention of section 6, etc.

PARAGRAPH 24

Offences under the Protection of Plant Varieties and Farmers' Rights Act, 2001
(53 of 2001)

Section	Description of offence
70 read with section 68	Penalty for applying false denomination, etc.
71 read with section 68	Penalty for selling varieties to which false denomination is applied.
72 read with section 68	Penalty for falsely representing a variety as registered.
73 read with section 68	Penalty for subsequent offence.

PARAGRAPH 25

Offences under the Environment Protection Act, 1986
(29 of 1986)

Section	Description of offence
15 read with section 7	Penalty for discharging environmental pollutants, etc., in excess of prescribed standards.
15 read with section 8	Penalty for handling hazardous substances without complying with procedural safeguards.

PARAGRAPH 26

Offences under the Water (Prevention and Control of Pollution) Act, 1974
(6 of 1974)

Section	Description of offence
41(2)	Penalty for pollution of stream or well.
43	Penalty for contravention of provisions of section 24.

PARAGRAPH 27

Offences under the Air (Prevention and Control of Pollution) Act, 1981
(14 of 1981)

Section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

PARAGRAPH 28

Offences under the suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002
(69 of 2002)

Section	Description of offence
3	Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc.";
	(ii) in Part B, paragraphs 1 to 25 shall be omitted;
	(iii) in Part C, serial number (2) and the entries relating thereto shall be omitted.

Department of Tribal Welfare

Directorate of Tribal Welfare

Order

1-1-2011-12/ADMN/DTW/3716

Sanction of the Government is hereby accorded for creation of the following posts in the Directorate of Tribal Welfare, with immediate effect.

Sr. No.	Designation	Group	Pay scale	No. of posts sanctioned
1	2	3	4	5
1.	Sr. Stenographer	Group 'C' Non-Gazetted	Rs. 9,300-34,800+GP 4,200	1
2.	Upper Division Clerk	Group 'C' Non-Gazetted	Rs. 5,200-20,200+GP 2,400	1
3.	Lower Division Clerk	Group 'C' Non-Gazetted	Rs. 5,200-20,200+GP 1,900	4
4.	Drivers	Group 'C' Non-Gazetted	Rs. 5,200-20,200+GP 1,900	2
5.	Peon	Group 'D'	Rs. 4,440-7,440+GP 1,300	1

The expenditure on creation of the posts is debitable to the Budget Head: 2225—Welfare of SC/ST/OBC; 02—Welfare of ST; 001—Direction & Administration; 01—Directorate of Tribal Affairs (P); 01—Salaries.

This issue with the recommendation of Administrative Reforms Department vide their U. O. No. ARD/850/F dated 3-6-2014 and Concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. Fin. (R&C)/1488095 dated 25-6-2014 and approval of Council of Ministers in its LXIVth Cabinet Meeting held on 5-8-2014.

By order and in the name of the Governor of Goa.

Sandhya Kamat, Director & ex officio Joint Secretary (Tribal Welfare).

Panaji, 12th August, 2014.

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